

Senator HEFLIN. Judge Thomas, one of the aspects of this is that she could be living in a fantasy world. I don't know. We are just trying to get to the bottom of all of these facts.

But if you didn't listen and didn't see her testify, I think you put yourself in an unusual position. You are, in effect, defending yourself, and basically some of us want to be fair to you, fair to her, but if you didn't listen to what she said today, then that puts it somewhat in a more difficult task to find out what the actual facts are relative to this matter.

Judge THOMAS. The facts keep changing, Senator. When the FBI visited me, the statements to this committee and the questions were one thing. The FBI's subsequent questions were another thing. And the statements today, as I received summaries of them, are another thing.

I am not—it is not my fault that the facts change. What I have said to you is categorical that any allegations that I engaged in any conduct involving sexual activity, pornographic movies, attempted to date her, any allegations, I deny. It is not true.

So the facts can change but my denial does not. Ms. Hill was treated in a way that all my special assistants were treated, cordial, professional, respectful.

Senator HEFLIN. Judge, if you are on the bench and you approach a case where you appear to have a closed mind and that you are only right, doesn't it raise issues of judicial temperament?

Judge THOMAS. Senator? Senator, there is a difference between approaching a case objectively and watching yourself being lynched. There is no comparison whatsoever.

Senator HATCH. I might add, he has personal knowledge of this as well, and personal justification for anger.

Senator HEFLIN. Judge, I don't want to go over this stuff but, of course, there are many instances in which she has stated, but—and, in effect, since you didn't see her testify I think it is somewhat unfair to ask you specifically about it.

I would reserve my time and go ahead and let Senator Hatch ask you, and then come back.

The CHAIRMAN. Senator Hatch?

Senator HATCH. Judge Thomas, I have sat here and I have listened all day long, and Anita Hill was very impressive. She is an impressive law professor. She is a Yale Law graduate. And, when she met with the FBI, she said that you told her about your sexual experiences and preferences. And I hate to go into this but I want to go into it because I have to, and I know that it is something that you wish you had never heard at any time or place. But I think it is important that we go into it and let me just do it this way.

She said to the FBI that you told her about your sexual experiences and preferences, that you asked her what she liked or if she had ever done the same thing, that you discussed oral sex between men and women, that you discussed viewing films of people having sex with each other and with animals, and that you told her that she should see such films, and that you would like to discuss specific sex acts and the frequency of sex.

What about that?

Judge THOMAS. Senator, I would not want to, except being required to here, to dignify those allegations with a response. As I

have said before, I categorically deny them. To me, I have been pilloried with scurrilous allegations of this nature. I have denied them earlier and I deny them tonight.

Senator HATCH. Judge Thomas, today in a new statement, in addition to what she had told the FBI, which I have to agree with you is quite a bit, she made a number of other allegations and what I would like to do is—some of them most specifically were for the first time today in addition to these, which I think almost anybody would say are terrible. And I would just like to give you an opportunity, because this is your chance to address her testimony.

At any time did you say to Professor Hill that she could ruin your career if she talked about sexual comments you allegedly made to her?

Judge THOMAS. No.

Senator HATCH. Did you say to her in words or substance that you could ruin her career?

Judge THOMAS. No.

Senator HATCH. Should she ever have been afraid of you and any kind of vindictiveness to ruin her career?

Judge THOMAS. Senator, I have made it my business to help my special assistants. I recommended Ms. Hill for her position at Oral Roberts University. I have always spoken highly of her.

I had no reason prior to the FBI visiting me a little more than 2 weeks ago to know that she harbored any ill feelings toward me or any discomfort with me. This is all new to me.

Senator HATCH. It is new to me too, because I read the FBI report at least 10 or 15 times. I didn't see any of these allegations I am about to go into, including that one. But she seemed to sure have a recollection here today.

Now, did you ever say to Professor Hill in words or substance, and this is embarrassing for me to say in public, but it has to be done, and I am sure it is not pleasing to you.

Did you ever say in words or substance something like there is a pubic hair in my Coke?

Judge THOMAS. No, Senator.

Senator HATCH. Did you ever refer to your private parts in conversations with Professor Hill?

Judge THOMAS. Absolutely not, Senator.

Senator HATCH. Did you ever brag to Professor Hill about your sexual prowess?

Judge THOMAS. No, Senator.

Senator HATCH. Did you ever use the term "Long Dong Silver" in conversation with Professor Hill?

Judge THOMAS. No, Senator.

Senator HATCH. Did you ever have lunch with Professor Hill at which you talked about sex or pressured her to go out with you?

Judge THOMAS. Absolutely not.

Senator HATCH. Did you ever tell—

Judge THOMAS [continuing]. I have had no such discussions, nor have I ever pressured or asked her to go out with me beyond her work environment.

Senator HATCH. Did you ever tell Professor Hill that she should see pornographic films?

Judge THOMAS. Absolutely not.

Senator HATCH. Did you ever talk about pornography with Professor Hill?

Judge THOMAS. I did not discuss any pornographic material or pornographic preferences or pornographic films with Professor Hill.

Senator HATCH. So you never even talked or described pornographic materials with her?

Judge THOMAS. Absolutely not.

Senator HATCH. Amongst those or in addition?

Judge THOMAS. What I have told you is precisely what I told the FBI on September 25 when they shocked me with the allegations made by Anita Hill.

Senator HATCH. Judge Thomas, those are a lot of allegations. Those are a lot of charges, talking about sexual experiences and preferences, whether she liked it or had ever done the same thing, oral sex, viewing films of people having sex with each other and with animals, that maybe she should see such films, discuss specific sex acts, talk about pubic hair in Coke, talking about your private parts, bragging about sexual prowess, talking about particular pornographic movies.

Let me ask you something. You have dealt with these problems for a long time. At one time I was the chairman of the committee overseeing the EEOC and, I might add, the Department of Education, and I am the ranking member today. I have known you for 11 years and you are an expert in sexual harassment. Because you are the person who made the arguments to then Solicitor General Fried that the administration should strongly take a position on sexual harassment in the *Meritor Savings Bank v. Vinson* case, and the Supreme Court adopted your position.

Did I misstate that?

Judge THOMAS. Senator, what you have said is substantially accurate. What I attempted to do in my discussions with the Solicitor is to have them be aggressive in that litigation, and EEOC was very instrumental in the success in the *Meritor* case.

Senator HATCH. Now, Judge, keep in mind that the statute of limitations under title VII for sexual harassment for private employers is 180 days or 6 months. But the statute of limitations under title VII for Federal employers and employees is 30 days.

Are you aware of that?

Judge THOMAS. Yes, Senator, I am generally aware of those limitations.

Senator HATCH. And are you aware of why those statutes of limitation are so short?

Judge THOMAS. I would suspect that at some point it would have to do with the decision by this body that either memories begin to fade or stories change, perhaps individuals move around, and that it would be more difficult to litigate them.

I don't know precisely what all of the rationale is.

Senator HATCH. Well, it involves the basic issue of fairness, just exactly how you have described it. If somebody is going to be accused in a unilateral declaration of sexual harassment, then that somebody ought to be accused through either a complaint or some sort of a criticism, so that that somebody can be informed and then

respond to those charges, and, if necessary, change that somebody's conduct.

Is that a fair statement?

Judge THOMAS. I think that is a fair statement.

Senator HATCH. Now let me ask you something: I described all kinds of what I consider to be gross, awful sexually harassing things, which if you take them cumulatively have to gag anybody. Now you have seen a lot of these sexual harassment cases as you have served there at the EEOC. What is your opinion with regard to what should have been done with those charges, and whether or not you believe that, let's take Professor Hill in this case, should have done something, since she was a Yale Law graduate who taught civil rights law at one point, served in these various agencies, and had to understand that there is an issue of fairness here.

Judge THOMAS. Senator, if any of those activities occur, it would seem to me to clearly suggest or to clearly indicate sexual harassment, and anyone who felt that she was harassed could go to an EEO officer at any agency and have that dealt with confidentially. At the Department of Education, if she said it occurred there, or at EEOC, those are separate tracks. At EEOC, I do not get to review those, if they involve me, and at Department of Education there is a separate EEO officer for the whole department. It would have nothing to do with me. But if I were an individual advising a person who had been subjected to that treatment, I would advise her to immediately go to the EEO officer.

Senator HATCH. An EEO office then would bring the parties together, or at least would confront the problem head-on, wouldn't it?

Judge THOMAS. The EEO officer would provide counseling—

Senator HATCH. Within a short period of time?

Judge THOMAS [continuing]. Within a short period of time, as well as, I think, if necessary, an actual charge would be—

Senator HATCH. So the charge would be made, and the charge would then—the person against whom it was made would have a chance to answer it right then, right up front, in a way that could resolve it and stop this type of activity if it ever really occurred?

Judge THOMAS [continuing]. That is right.

Senator HATCH. And you have just said it never really occurred.

Judge THOMAS. It never occurred. That is why there was no charge.

Senator HATCH. You see, one of the problems that has bothered me from the front of this thing is, these are gross. Cumulative, I don't know why anybody would put up with them, or why anybody would respect or work with another person who would do that. And if you did that, I don't know why anybody would work with you who suffered these treatments.

Judge THOMAS. I agree.

Senator HATCH. Furthermore, I don't know why they would have gone to a different position with you, even if they did think that maybe it had stopped and it won't start again, but then claimed that it started again. And then when they finally got out into the private sector, wouldn't somehow or other confront these problems in three successive confirmation proceedings. Does that bother you?

Judge THOMAS. This whole affair bothers me, Senator. I am witnessing the destruction of my integrity.

Senator HATCH. And it is by a unilateral set of declarations that are made on successive dates, and differ, by one person who continued to maintain what she considered to be a "cordial professional relationship" with you over a 10-year period.

Judge THOMAS. Senator, my relationship with Anita Hill prior to September 25 was cordial and professional, and I might add one other thing. If you really want an idea of how I treated women, then ask the majority of the women who worked for me. They are out here. Give them as much time as you have given one person, the only person who has been on my staff who has ever made these sorts of allegations about me.

Senator HATCH. Well, I think one of our Senators, one of our better Senators in the U.S. Senate, did do exactly that, and he is a Democrat, as a matter of fact, one of the fairest people and I think one of the best new people in the whole Senate.

This is a statement that was made on the floor of the Senate in this Record by my distinguished colleague, Senator Lieberman, a man I have a great deal of respect for. Senator Lieberman's staff conducted a survey of various women who have worked for you over the years. He was concerned. He has been a supporter of yours, and he was one who asked for this delay so that this could be looked into because he was concerned, too.

But as a result of the survey, Senator Lieberman made the following statement: He said, "I have contacted associates, women who worked with Judge Thomas during his time at the Department of Education and EEOC, and in the calls that I and my staff have made there has been universal support for Judge Thomas and a clear indication by all of the women we spoke to that there was never, certainly not a case of sexual harassment, and not even a hint of impropriety." That was put into the Congressional Record on October 8, 1991.

And I think Senator Lieberman has performed a very valuable service because he is in the other party. He is a person who looks at these matters seriously. He has to be as appalled by this type of accusation as I am, and frankly he wanted to know, "Just what kind of a guy is Clarence Thomas?" And those of us who know you, know that all of these are inconsistent with the real Clarence Thomas.

And I don't care who testifies, you have to keep in mind, this is an attorney, a law graduate from one of the four or five best law schools in this land, a very intelligent, articulate law professor, and the only person on earth other than you knowing whether these things are true—the only other person. I don't blame you for being mad.

Judge THOMAS. Senator, I have worked with hundreds of women in different capacities. I have promoted and mentored dozens. I will put my record against any member of this committee in promoting and mentoring women.

Senator HATCH. I will put your record against anybody in the whole Congress.

Judge THOMAS. And I think that if you want to really be fair, you parade every single one before you and you ask them, in their

relationships with me, whether or not any of this nonsense, this garbage, trash that you siphoned out of the sewers against me, whether any of it is true. Ask them. They have worked with me. Ask my chief of staff, my former chief of staff. She worked shoulder to shoulder with me.

Senator HATCH. Well, I think we should do that.

Now, Judge, what was Professor Hill's role in your office at the Education Department and at the EEOC?

Judge THOMAS. Senator, as I indicated this morning, at the Department of Education Ms. Hill was an attorney-adviser. I had a small staff and she had the opportunity to work on a variety of issues.

Senator HATCH. She was your number one person?

Judge THOMAS. By and large, on substantive issues, she was.

Senator HATCH. How about when you went to the EEOC?

Judge THOMAS. At EEOC that role changed drastically. As I indicated, my duties expanded immensely. EEOC, as you remember, had enormous management problems, so I focused on that. I also needed an experienced EEO staff, and my staff was much more mature. It was older. It was a more experienced staff.

As a result, she did not enjoy that close a relationship with me, nor did she have her choice of the better assignments, and I think that as a result of that there was some concern on her part that she was not being treated as well as she had been treated prior to that.

Senator HATCH. At any time in your tenure in the Department of Education, did Professor Hill ever express any concern about or discomfort with your conduct toward her?

Judge THOMAS. No.

Senator HATCH. Never?

Judge THOMAS. No. The only caveat I would add to that would be that from time to time people want promotions or better assignments or work hours, something of that nature, but no discomfort of the nature that is being discussed here today.

Senator HATCH. Now I note that Professor Hill alleges improper conduct on your part during the period of November, 1981 to February or March of 1982. Now isn't it true that both you and Professor Hill moved from the Education Department to the EEOC in April of that same year?

Judge THOMAS. Senator, that is an odd period. The President expressed his intent to nominate me to become Chairman of EEOC in February 1982, and during that very same period, to the best of my recollection, she assisted me in my nomination and confirmation process. I did in fact leave actual work at the Department of Education, I believe in April, and started at EEOC in May 1982, and she transferred with me.

Senator HATCH. So, in other words, Professor Hill followed you to the EEOC no more than 2 or 3 months, possibly only 1 month after she claims this alleged conduct occurred.

Judge THOMAS. Precisely.

Senator HATCH. Isn't it true, Judge Thomas, that Professor Hill could have remained in her job at the Education Department when you went to the EEOC?

Judge THOMAS. To the best of my recollection, she was a schedule A attorney. I know she was not cleared through the White House, so she was not a schedule C. She was not a political appointee. As a result, she had all the rights of schedule A attorneys, and could have remained at the Department of Education in a career capacity.

Senator HATCH. And even if she might not have remained the number one person to the head of the Civil Rights Division, which you were, she would have been transferred to another equivalent attorney's position.

Judge THOMAS. If she had requested it.

Senator HATCH. Did you tell her anything to the contrary?

Judge THOMAS. Not to my knowledge. In fact, I don't think it ever came up.

Senator HATCH. She didn't even ask you?

Judge THOMAS. I don't think it ever came up. I think it was understood that she would move to EEOC with me if she so desired.

Senator HATCH. If I could just button it down, in other words, Judge Thomas, if instead of following you to the EEOC, Professor Hill had remained at the Department of Education as a schedule A attorney, she would have had as much job security as any other civil service attorney in the government. And this is especially true, isn't it, because of your friendship with Harry Singleton?

Judge THOMAS. That is right. If she was concerned about job security, I could have certainly discussed with Harry Singleton what should be done with her. He is a personal friend of mine. He is also, or was, a personal friend of the individual who recommended Anita Hill to me, Gil Hardy. Gil Hardy of course drowned in 1988, but both of us or all three of us had gone to Yale Law School and knew each other quite well.

Senator HATCH. Now, Judge Thomas, I understand that on occasion, and you correct me if this is wrong, but I have been led to believe that on occasion Professor Hill would ask you to drive her home, and that on those occasions she would sometimes invite you into her home to continue a discussion, but you never thought anything—you never thought of any of this as anything more than normal, friendly, professional conversation with a colleague. Am I correct on that, or am I wrong?

Judge THOMAS. It was not unusual to me, Senator. As I remember it, I lived in southwest Washington, and would as I remember—and again, I am relying on my recollection, she lived someplace on Capitol Hill—and I would drive her home, and sometimes stop in and have a Coke or a beer or something and continue arguing about politics for maybe 45 minutes to an hour, but I never thought anything of it.

Senator HATCH. When Professor Hill worked for you at the EEOC, did she solicit your advice on career development or career opportunities?

Judge THOMAS. Senator, as I discuss with most of the members of my personal staff, I try to advise them on their career opportunities and what they should do next. You can't always be a special assistant or an attorney-adviser. And I am certain that I had those discussions with her, and in fact it would probably have been based

on that that I advised Dean Kothe that she would be a good teacher and that she would be interested in teaching.

Senator HATCH. Did she treat you as her mentor at the time, in your opinion?

Judge THOMAS. Pardon me?

Senator HATCH. Did she treat you as though you were a mentor at the time?

Judge THOMAS. She certainly sought counsel and advice from me.

Senator HATCH. Now at any time during your tenure at the EEOC, did you ever discuss sexual matters with Professor Hill?

Judge THOMAS. Absolutely not, Senator.

Senator HATCH. At any time during your tenure at the EEOC, did Professor Hill ever express discomfort or concern about your conduct toward her?

Judge THOMAS. No, Senator.

Senator HATCH. From your observations, what was the perception of Professor Hill by her colleagues at the EEOC? What did they think about her?

Judge THOMAS. Senator, some of my former staffers I assume will testify here, but as I remember it there was some tension and some degree of friction which I attributed simply to having a staff. As I have had 2 weeks to think about this and to agonize over this, and as I remember it, I believe that she was considered to be somewhat distant and perhaps aloof, and from time to time there would be problems that usually involved—and I attributed this to just being young—but usually involved her taking a firm position and being unyielding to the other members of the staff, and then storming off or throwing a temper tantrum of some sort that either myself or the chief of staff would have to iron out.

Senator HATCH. What was your opinion of the quality of Professor Hill's work at the EEOC, as her administrator and as the head of the EEOC?

Judge THOMAS. I thought the work was good. The problem was that—and it wasn't a problem—was, it was not as good as some of the other members of the staff.

Senator HATCH. While Professor Hill worked for you at the EEOC, did she ever seek a promotion?

Judge THOMAS. I believe she did seek promotions. Again, most of that was done through the chief of staff at that time.

Senator HATCH. Well, if so, to what position?

Judge THOMAS. She may have sought a promotion. In 1983, my chief of staff left and I was going to promote someone to my executive assistant/chief of staff, which is the most senior person on my personal staff, and I think that—again, I am relying on my memory—she aspired to that position and, of course, was not successful and I think was concerned about that.

Senator HATCH. I see. When did Professor Hill leave the Equal Employment Opportunity Commission?

Judge THOMAS. In 1983.

Senator HATCH. In 1983. Why do you think she decided to leave the agency at that time?

Judge THOMAS. Senator, I thought that she felt at the time that it was time for her to leave Washington and also to leave Government. She had, I believe, expressed an interest in teaching and the

opportunity at Oral Roberts University provided her both with the opportunity to be in Oklahoma and to teach and, as I remember, she did not lose any salary or any income in the bargain, and that was attractive.

Senator HATCH. Did you assist her in getting that job at Oral Roberts University?

Judge THOMAS. Yes, Senator, I discussed her with Dean Charles Kothe, both informally and provided written recommendation, formal recommendation for her.

Senator HATCH. All right. Have you had any contacts with Professor Hill since she left the EEOC in 1983?

Judge THOMAS. Senator, from time to time, Anita Hill would call the agency and either speak to me or to my secretary and, through her, she would leave messages. They had been friends, Diane Holt. On a number of occasions, I believe, too, I am certain of one, but maybe two, when I was in Tulsa, OK, I spent time with her, I saw her, and I believe on one occasion she drove me to the airport and had breakfast with me.

Senator HATCH. Mr. Chairman, with unanimous consent, I would introduce into the record at this point excerpts from Judge Thomas' telephone logs from 1983 to 1991, if I could.

The CHAIRMAN. Without objection.

[The information referred to follows:]